

DEPOSITION OF CARL RAGASA VOL III TAKEN ON 01-14-05

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CONDENSED TRANSCRIPT AND CONCORDANCE  
PREPARED BY:

RALPH ROSENBERG COURT REPORTERS, INC.  
1001 Bishop Street  
2460 Pacific Tower  
Honolulu, HI 96813  
Phone: (808) 524-2090  
FAX: (808) 524-2596

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(1) **back with a shorter one?**(2) Q. Do you have any evidence to show that Ethan,  
(3) in fact, did press charges against you?(4) A. **I no more evidence.**

(5) Q. Did you read the rest of the statement?

(6) A. **Yeah.**(7) Q. Okay. To your knowledge, is anything in the  
(8) rest of that statement incorrect?(9) A. **When he picked up da kine -- when Kaden  
(10) picked up Ethan and went to the house and let him bathe,  
(11) at least to that part, he let him bathe and gave him his  
(12) clothes for go in.**(13) Q. Okay. It doesn't say that in this  
(14) statement, right?(15) A. **Yeah.**(16) Q. But what it does say and let me go through  
(17) it, "Also on the day of blank/02 I was picked up at  
(18) Tower 9 by battalion chief Bob Kaden and WSO3 Norman  
(19) Hunter, who was a lifeguard supervisor. And then  
(20) transported via our county fire department Blazer to the  
(21) Lihue Police Station where we were joined by FAO Sid  
(22) Kini."(23) Except for the part about going to the  
(24) house, is there anything in that statement incorrect as  
(25) far as you know?

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(1) A. **No.**(2) Q. It goes on, "Norman Hunter returned to the  
(3) lifeguard -- to lifeguard base, walked off at the county  
(4) office prior to myself and BC Kaden arrival at police  
(5) station." As far as you know, is anything wrong with  
(6) that statement? Is that incorrect in any way?(7) A. **Maybe. I think Norman told me that Kaden  
(8) ordered 'em to go back to the station by himself.  
(9) Because maybe he never like them hear what the charges  
(10) they was going to try, the false charges which I told you  
(11) he never like Norman hear. 'Cause Ethan was already  
(12) telling me he never like press charges the whole time.**

(13) Q. But nothing wrong with the statement of --

(14) A. **Nothing wrong with the statement.**(15) Q. Okay. Then it says "Sid Kini and myself  
(16) then made statements to an officer about the events that  
(17) took place on blank/02. I was then later returned home  
(18) by BC."(19) As far as you know, is anything wrong with  
(20) that statement?(21) A. **Yeah, he was supposed to go back work, but  
(22) he brought him home.**(23) Q. But is that statement false in any other  
(24) way?(25) A. **No, that's true.**

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(1) Q. Okay. So this statement here, except for  
(2) some omissions you pointed out, doesn't contain anything  
(3) false as far as you know against you, right?(4) A. **Yeah.**(5) Q. Let's go through Exhibit No. 6. How did you  
(6) get Exhibit No. 6 now, tell me?(7) A. **He wrote it quick by the tower because he  
(8) was in a rush. And he told me he was going to make me  
(9) one better one.**(10) Q. This was on September 29th, '02, that's the  
(11) date of it, right?(12) A. **Yeah. This one came after.**(13) Q. Let's talk about this one first, Exhibit  
(14) No. 6. Is this document true and accurate copy of the  
(15) document that you received on September 29, '02?(16) A. **September 29th, '02?**

(17) Q. In other words --

(18) A. **Yeah, that's the one he wrote me.**(19) Q. This is the one -- a copy of what you got  
(20) from Ethan on that day, right?(21) A. **Yeah. And I remember, too, he the one that  
(22) asked for that. I was working and he came by the tower,  
(23) "Eh, give me the 103 and I will make you the statement,  
(24) but I gotta go real quick, so I'll make you a better one  
(25) later on."**

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(1) Q. Okay. This statement says on the 27th of  
(2) March '02 -- 2002 Chief Kaden picked me up from T-9 and  
(3) took me to the Lihue Police Station against my will. And  
(4) then Chief Kaden, "it's spelled wrong, but it looks like,  
(5) "coersed" C-O-E-R-S-E-D, "coersed me in to giving false  
(6) statements pertaining to the incidents on Friday,  
(7) March 22nd, 2002."(8) As far as you know, what is wrong, if  
(9) anything, with that statement?(10) A. **Nothing.**(11) Q. So Ethan told you he was coerced in to  
(12) giving false statement?(13) A. **Yes.**

(14) Q. Coerced means he was forced?

(15) A. **Yeah.**(16) Q. In what way did Ethan tell you he was forced  
(17) into making false statements?(18) A. **I don't know. In what way? He didn't.**

(19) Q. He didn't specify?

(20) A. **No.**

(21) Q. What was he going to get out of this?

(22) A. **I don't know. Maybe at his age and they**(23) **offer you something, you take it, you know, like a little  
(24) kid. Kaden was telling him while he was pressing the  
(25) charges, I mean, writing up the police report that's the**

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(1) **only way you are going to get Carl out of the North**  
 (2) **Shore, you gotta do this. That's the only way and that**  
 (3) **made Ethan alright. Maybe he thought if Carl is out then**  
 (4) **I can go to where he work. I don't know what he was**  
 (5) **thinking.**

(6) Q. You know what you just told us now, is that  
 (7) based on anything you actually personally heard?

(8) A. **Personally heard?**

(9) Q. Did you personally hear Ethan saying that  
 (10) when he was making the original statements?

(11) A. **From the police report?**

(12) Q. Yeah.

(13) A. **From the police? From the police, Kyle,**  
 (14) **yeah.**

(15) Q. Kyle told you that --

(16) A. **He talked to us at the tower.**

(17) Q. Kyle?

(18) A. Yeah.

(19) Q. The officer?

(20) A. Yeah.

(21) Q. What, if anything, did he say to you about  
 (22) the investigation?

(23) A. **Well, he wasn't talking to me, he was**  
 (24) **talking to Kanani about Kaden was up yelling at him at**  
 (25) **that time.**

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(1) Q. Kaden?

(2) A. **Kaden was yelling at Ethan while they was**  
 (3) **making the statement and the officer noticed Kaden**  
 (4) **yelling at Ethan "you gotta do this, you must do this."**  
 (5) **And Ethan never like do 'em. I think she told that to**  
 (6) **you guys in the other depo.**

(7) Q. But did you personally hear that?

(8) A. No.

(9) Q. So are giving us either hearsay or rumors  
 (10) about what you had heard, right?

(11) A. Yes.

(12) Q. Not what you heard, but what someone had  
 (13) said they had heard?

(14) A. Yes.

(15) Q. Now, do you have any personal information  
 (16) that, in fact, shows or supports the statement that Chief  
 (17) Kaden coerced Ethan into giving false statements?

(18) A. **No, no, no. Try repeat the question?**

(19) Q. Do you have any personal information or  
 (20) knowledge which supports the statement that Chief Kaden  
 (21) coerced Ethan into giving false statements?

(22) A. **Personal, no, I don't know.**

(23) Q. So all your opinions and assumptions are  
 (24) based on what somebody else told you?

(25) A. **No, what he wrote to me and what he told me.**

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(1) Q. Now, what did -- what specifically did Ethan  
 (2) tell you him about being coerced?

(3) A. **They made him. He told me they made him do**  
 (4) **all that, and he never wanted to. And he knew wasn't one**  
 (5) **harassment. In fact, he was harassing me. All I did was**  
 (6) **called him is diaper boy. That's it.**

(7) Q. We'll talk about that later. But let me ask  
 (8) you this: What specifically did Ethan say?

(9) A. **I cannot remember what he said. But I know**  
 (10) **couple plenty things they said what they went force him**  
 (11) **for do.**

(12) Q. Okay. And that's what we are talking about.

(13) A. Yeah.

(14) Q. In terms of forcing him to do, what did  
 (15) Ethan say?

(16) A. **I cannot remember.**

(17) Q. So other than something that you cannot  
 (18) remember and some hearsay, do you have any other evidence  
 (19) to support the idea that Ethan was forced into making  
 (20) false statements?

(21) A. **Guarantee, but I cannot remember right now.**

(22) Q. Do you understand, Mr. Ragasa, that the way  
 (23) the system works is I only got one chance in the course  
 (24) of this deposition to ask you questions. And to the  
 (25) extent that you can or cannot remember I'm asking you to

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(1) use your best memory, but if you cannot remember and then  
 (2) all of a sudden say you can remember at trial, I am going  
 (3) to be able to put that out to the jury. So can you give  
 (4) us your best effort to make -- to search your memory now  
 (5) and tell me any other evidence you have to support the  
 (6) idea that Ethan was coerced into giving false statements  
 (7) regarding the incident of March 22nd, 2002?

(8) A. No.

(9) Q. That's Exhibit 6.

(10) Now, let's go to the next exhibit, and that  
 (11) was Exhibit 9 and 10.

(12) When did you get these to your memory?

(13) A. **Sometime after that one. I don't know.**

(14) Q. Okay. So it was after 9/29 --

(15) A. Yes.

(16) Q. -- but before October 3rd?

(17) A. Yeah.

(18) Q. And was it both at the same time or was it  
 (19) different times?

(20) A. **I think so. It was both at the same time.**

(21) Q. Let's take a look at Exhibit No. 9 first.

(22) It starts off saying "On March 27th, I was  
 (23) taken in to the Lihue Police Station by BC Kaden."

(24) Anything wrong with that statement?

(25) A. No.

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(1) Q. "There we were met by FAO Sid Kini in the  
 (2) station parking lot."  
 (3) To your knowledge anything wrong with that  
 (4) statement?  
 (5) A. No.  
 (6) Q. "Moments later, I made several statements to  
 (7) the officer with Sid Kini by my side and Bob Kaden over  
 (8) my shoulder."  
 (9) To your knowledge anything wrong with that  
 (10) statement?  
 (11) A. No.  
 (12) Q. Is this what you were referring to when the  
 (13) officer said he hear Kaden talking loud or yelling at  
 (14) Ethan?  
 (15) A. I don't know. I never read that for a long  
 (16) time. I know it's there now, because you read 'em. I  
 (17) never read that for long time, but I guess.  
 (18) Q. Don't guess now, you just give us your best  
 (19) testimony.  
 (20) A. Yeah, I don't know.  
 (21) Q. To your knowledge does Exhibit 9 come before  
 (22) Exhibit 10 or does it come the other way around?  
 (23) A. I don't know. He gave me the two at the  
 (24) same time.  
 (25) Q. Two at the same time. Okay.

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(1) Let me go through it now. "I made  
 (2) statements to the officer saying that Carl Ragasa was  
 (3) swearing to me in the morning of Wednesday the 20th of  
 (4) March, and Friday the 22nd of March 2002."  
 (5) Anything wrong with that statement as far as  
 (6) you know?  
 (7) A. Try to repeat that one?  
 (8) Q. "I made statements to the officer saying  
 (9) that Carl Ragasa was swearing at me the morning of  
 (10) Wednesday the 20th of March and Friday the 22nd of  
 (11) March 2002."  
 (12) A. Yeah, nothing wrong with that.  
 (13) Q. "I made these statements to the officer due  
 (14) to heavy pressure and intimidation."  
 (15) Anything wrong with that statement?  
 (16) A. No.  
 (17) Q. To your knowledge, what was the heavy  
 (18) pressure and intimidation?  
 (19) A. I don't know.  
 (20) Q. "I was receiving from the" -- looks like  
 (21) introduction or receiving from the -- I can't read that  
 (22) word, it looks like, "...introduction of the fire  
 (23) department." And it has another word, "...the lifeguards  
 (24) from June 2002. The pressures came specifically from the  
 (25) higher management..."

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(1) (2)  
 (3) MS. CHANG: June of 2000.  
 (4) MR. CHING: Sorry, June of 2000.  
 (5) Q. (By Mr. Ching:) "... the pressures came  
 (6) specifically from the higher management, Fire Chief  
 (7) Sproat, B.C Bob Kaden, Sid Kini, FAO," close paren. "I  
 (8) felt my job would be in jeopardy and I would be dismissed  
 (9) from my position not complying with them. All the  
 (10) statements made to the officer on March 27th pertaining  
 (11) to the derogatory comments made said by Carl Ragasa to  
 (12) myself did not occur. I feel that the pressure I have  
 (13) felt and currently feeling by upper management is  
 (14) abusive, stressful and intimidating. I don't know how  
 (15) much more I can take." And signed Ethan Sage.  
 (16) Anything wrong with that statement?  
 (17) A. No.  
 (18) Q. To your knowledge, this is true and correct?  
 (19) A. Yeah.  
 (20) Q. And to your knowledge, do you know why Ethan  
 (21) was giving this statement to you at this time?  
 (22) A. That's why. I think he felt inside that he  
 (23) was doing wrong. Because me and him was good friends  
 (24) before. And to me we still are friends. He knew this  
 (25) was just an argument. But he is the one -- he go make  
 his own, he go press these charges himself. He could  
 have step down, why never go see Sproat or go see the

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(1) police about Kaden guys.  
 (2) Q. Now, back in the late summer and early fall  
 (3) 2002, was Ethan Sage being coerced by you at all?  
 (4) A. In what?  
 (5) Q. Into giving these statements?  
 (6) A. No.  
 (7) Q. Was his mother or family being either  
 (8) threatened or intimidated by either you or friends of  
 (9) yours?  
 (10) A. No.  
 (11) Q. How do you know that?  
 (12) A. Just like they are attacking us, we are not  
 (13) attacking them. We are trying to hide from them.  
 (14) Q. Let me move on to Exhibit No. 10.  
 (15) You said you got both of these at the same  
 (16) time, Exhibits 9 and 10, right?  
 (17) A. Yes.  
 (18) Q. It starts off and I read, "On March 27th I  
 (19) was taken in to the Lihue Police Station where I met Sid  
 (20) Kini in the parking lot. I later made a statement to the  
 (21) officer with Sidney Kini by my side. I stated that Carl  
 (22) Ragasa made derogatory comments, swearing at me. I made  
 (23) these statements to the officer because I felt heavy  
 (24) pressure from the upper levels of management, (the fire  
 (25) chief, BC Kaden, FAO Sid Kini). I felt that if I didn't

1 STATE OF HAWAII )  
2 CITY AND COUNTY OF HONOLULU ) SS.  
3  
4

I, PATRICIA RIVERA, Notary Public, State of Hawaii, do hereby certify:

That on January 14, 2005, at 12:35 p.m. appeared before me CARL RAGASA, the witness whose deposition is contained herein; that prior to being examined he was by me duly sworn;

That the deposition was taken down by me in machine shorthand and was thereafter reduced to typewriting under my supervision; that the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings had in the foregoing matter.

I further certify that I am not attorney for any of the parties hereto, nor in any way concerned with the cause.

DATED this 6th day of February 2005, in Honolulu, Hawaii.

PATRICIA RIVERA, CSR 176  
Notary Public, State of Hawaii  
My commission expires 4/08/08